

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**HELEN CLARK,**

**Plaintiff,**

**v.**

**3:12-CV-1277-N-BK**

**BANK OF AMERICA NA, THE BANK  
OF NEW YORK MELLON, RECONTRUST  
COMPANY, NA, AMERICA'S WHOLESALE  
LENDER, BAC HOME LOANS  
SERVICING, LP, JIM ADKINS, MARY  
MANCUSO, and SHELLEY ORTOLANI,**

**Defendants.**

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. (Doc. 19; Doc. 26). Plaintiff filed objections, and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled, and the Court **ACCEPTS** the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

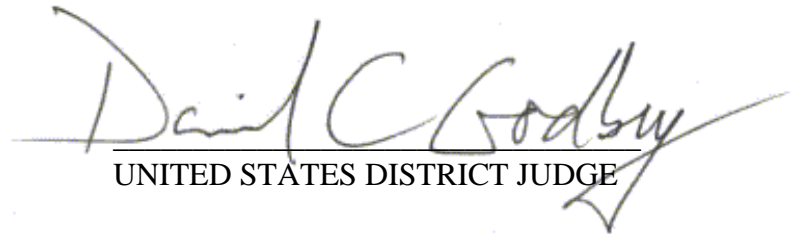
Accordingly, the Court **GRANTS** the Motion to Dismiss (Doc. 8) filed by Defendants Bank of America N.A., The Bank of New York Mellon, and ReconTrust Company, N.A.<sup>1</sup> As a result, Plaintiff's *Motion to Remand to State Court* (Doc. 11) and *Motion to Vacate Void Judgment for Lack of Subject Matter Jurisdiction and Dismiss the Case or Remand to State*

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<sup>1</sup> America's Wholesale Lender is not a proper defendant in this action because it was simply an assumed name of Countrywide Home Loans, which became BAC Home Loans Servicing, LP ("BAC"). (Doc. 1 at 8 n.1). Similarly, BAC is not a proper defendant in this action because Bank of America is the successor by merger to BAC. Accordingly, this action is dismissed as to both America's Wholesale Lender and BAC as well.

*Court* (Doc. 17) are **DENIED**. Further, Plaintiff's *Motion for a Temporary Restraining Order* ("TRO") (Doc. 23) is **DENIED** for the reasons stated by the Magistrate Judge.

SO ORDERED this 9<sup>th</sup> day of October, 2012.

  
UNITED STATES DISTRICT JUDGE